

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)
 v.)
 Jairo Miguel Cardenas-Gomez,)
 a.k.a.: Jairo Miguel Cardenas,)
 a.k.a.: Jairo Cardenas,)
 (A044 126 746))
Defendant

Case No.

17-7511MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 6, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:


Jairo Miguel Cardenas-Gomez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Brownsville, Texas, on or about October 5, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jacqueline Schesnol

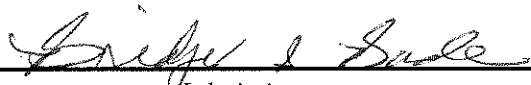
☒ Continued on the attached sheet.


Complainant's signature

Marcus D. Leggett,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: October 18, 2017


Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On March 6, 2017, Jairo Miguel Cardenas-Gomez was booked into the Arizona State Prison Complex (ASPC), Alhambra Reception, on local charges. While incarcerated at the ASPC, Cardenas-Gomez was encountered by Corrections Officer (CO) Maeda, who was designated with the authority to determine alienage under the Immigration and Naturalization Act, Section 287(g). CO Maeda determined Cardenas-Gomez to be a citizen of Mexico, illegally present in the United States. On March 8, 2017, an immigration detainer was lodged with the ASPC. On October 17, 2017, Cardenas-Gomez was released from the Lewis State Prison and transported to the Phoenix ICE office for further investigation and processing. Cardenas-Gomez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.

3. Immigration history checks revealed Jairo Miguel Cardenas-Gomez to be a citizen of Mexico and a previously deported criminal alien. Cardenas-Gomez was removed from the United States to Mexico through Brownsville, Texas, on or about October 5, 2011, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Cardenas-Gomez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Cardenas-Gomez's immigration history was matched to him by electronic fingerprint comparison.
4. Criminal history checks revealed that Jairo Miguel Cardenas-Gomez was convicted of Reentry of Removed Alien, a felony offense, on February 22, 2011, in the United States District Court, District of Arizona. Cardenas-Gomez was sentenced to thirteen (13) months' imprisonment and three (3) years' supervised release. Cardenas-Gomez's criminal history was matched to him by electronic fingerprint comparison.
5. On October 17, 2017, Jairo Miguel Cardenas-Gomez was advised of his constitutional rights. Cardenas-Gomez freely and willingly acknowledged his rights and declined to provide a statement under oath.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about March 6, 2017, Jairo Miguel Cardenas-Gomez, an alien, was found in the

United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Brownsville, Texas, on or about October 5, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read "M. Leggett", written over a horizontal line.

Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 18th day of October, 2017.

A handwritten signature in black ink, appearing to read "Bridget S. Bade", written over a horizontal line.

Bridget S. Bade,
United States Magistrate Judge